

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Michael S.Y. Wong et al.

Application No.: 10/809,287

Art Unit.: 2617

Filing Date: 03/24/2004

Examiner: Julio R. Perez

For: "Wireless LAN Using RSSI And BER Parameters For Transmission Rate Adaptation"

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Date: December 10, 2007

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2. **STATUS:** Applicant is other than a small entity.
3. **EXTENSION OF TERM:** The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
4. **FEE FOR CLAIMS:** The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	LARGE ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	37	Minus	39	= 0	x \$50 =	\$0
Indep.	3	Minus	3	= 0	x \$210 =	\$0
First Presentation of Multiple Dependent Claim					+ \$370 =	\$0
					Total Addit. Fee	\$0

**No additional fee for claims is required.**

5. **FEE DEFICIENCY:** If any additional extension and/or fee is required, please charge Deposit Account No. 50-0574 (Docket No. ATH-0069-1P).

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**SIGNATURE OF PRACTITIONER**

Jeanette S. Harms  
Reg. No. 35537

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael S.Y. Wong et al.  
Assignee: Atheros Communications, Inc.  
Title: Wireless LAN Using RSSI And BER Parameters For  
Transmission Rate Adaptation  
Serial No.: 10/809,287 File Date: March 24, 2004  
Examiner: Julio R. Perez Art Unit: 2617  
Docket No.: ATH-0069-1P

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AMENDMENT IN RESPONSE TO THE SECOND OFFICE ACTION

Initial Comments:

This response addresses the status of Claims 1-2, 4-23, and 25-39. Claims 25 and 26 are objected to because of informalities. Claims 22-23 and 25-39 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-2, 4-5, 8-11, 13-15, 17-23, 25-26, 29-32, 34-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being rendered obvious by Sindhushayana in view of U.S. Patent 6,760,313 (Vogel). Claims 6, 7, 12, 16, 27, 28, 33, and 37 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22-23 and 25-39 are amended herein.